

REMARKS

Claims 1 – 15 are pending in the application. Claims 1 and 6 are amended.
Claim 16 is new.

Claim Rejections – 35 USC 102 and 103

Claims 1, 4 – 9 and 12 – 15 are rejected under 35 USC 102(e) as being unpatentable over Reisman, US Publication No. 2004/0031058.

The Examiner further rejected claims 2 – 3 and 10 - 11 under 35 USC 103(a) as being unpatentable over Reisman in view of Kalika.

Favorable reconsideration of this rejection in view of the above amendments and the following explanation is respectfully requested.

As stated in the previous response, Reisman teaches a method and apparatus for browsing using alternative linkbases. His teaching provides Internet or wireless connections to a home LAN where return channels are available to allow for interactivity.

The present invention by contrast relates to infrastructure for supporting broadcast and return channels.

Claims 1 and 6 have been amended to more clearly define the combined rooftop installation – more particularly a satellite receiver rooftop installation modified by combining with a terrestrial antenna to form the combined rooftop installation. Reisman does not teach or suggest such a combined rooftop installation. Reisman does not teach or suggest *a single rooftop installation that combines*

broadcast reception with a terrestrial bi-directional antenna *and* network transmission support electronics.

It is therefore submitted that claim 1 is novel and inventive over the citation.

Regarding claim 14, in order to make a finding of lack of novelty the actual features mentioned in the claim must be *present* explicitly or inherently in the cited document. The term "inherent" is an adjective meaning intrinsic, existing as a natural and integral part, natural, or inborn.

If X is *inherent* in Y, that means that means that it is intrinsic to Y. It means, *not* that X is a possibility for Y, but rather that *no-one would have doubted* that X is in Y.

The Examiner cites the entirety of claim 14 and cites Reisman paragraphs 85 to 87. Paragraphs 85 to 87 are catch-all type paragraphs listing available transmission and broadcast protocols, systems and standard as a long list of alternatives. There is no teaching anywhere in these paragraphs of a *single* network which *combines* "a wireless network part and a cable part and wherein a *wide area network transmission standard* is used over *both* said wireless network part and said cable part. It is not disputed that such a construction *could* be put together from the laundry list, but it is not *inherent*, as per the above definition of the terms.

In fact not only is it disputed that the construction is *inherent*. It is disputed that the claimed construction is *obvious* from the laundry list, since Reisman gives no motivation or for that matter any disclosure to set up a single network having a wireless part and a cable part. The skilled person reading the list would understand that he should pick one item from the list. Anything else is complicated by the need

for an interface, and Reisman, in contrast with the present application, does not teach an interface.

Be that as it may, claim 14 further defines:

“wherein a wide area network transmission standard is used over both said wireless network part and said cable part.”

In construing this feature of the claim the Examiner is required to construe the word “*both*”. The feature means that the wide area transmission standard is used over the cable part *and* it is used over the wireless part.

Although this point was clearly argued in the previous response, it was not related to in the Examiner’s response to arguments.

Specifically, Examiner has not pointed out why he believes that Reisman teaches use of a *wide area network protocol* over a *cable network*, in accordance with the “*both*” feature of claim 14.

Specifically Examiner has not responded to the following argument made in the previous response:

“Furthermore while a wide area network transmission standard is mentioned in the list (wireless Ethernet or Wi-Fi networks – paragraph 85 line 22), there is no teaching of using this *wireless standard* over a *cable part* of the network, contrary to the clear requirement of claim 14.”

Although the laundry list pointed to by the Examiner does include the wireless transmission standard (paragraph 87), and in a separate paragraph mentions a cable network (Paragraph 85) as well as fibre optic networks, it would have been clear to the skilled person that the wide area network protocol was intended for the wireless network. He would never have understood any suggestion that the *wide area network*

transmission standard should be used over the *fibre optic network* because in the context of that document it makes no sense to make such a combination.

In short what the applicant is arguing is that if I have a first paragraph that lists infrastructures A...Z, a second paragraph that lists transmission methods 1...50, and a third paragraph that lists transmission protocols a...z, then that does not take away *novelty* from a very specifically claimed combination feature such as “transmission protocol m used with infrastructures J and K together”, because there is no teaching that these features are to be used together.

In such a case no rejection arises under 35 USC 102 but the Examiner still has to consider 35 USC 103, namely would it be obvious given the list to have made this combination. The applicant’s argument is that in this case it is not obvious because:

a) in order to put the infrastructures together an interface is needed. Reisman does not teach such an interface, and the skilled person reading the laundry list of Reisman would not guess that Reisman intended putting the two networks together and providing such an interface. The present application, by contrast does disclose base stations 76 as an interface between the two types of network – so the feature of both networks together is enabled in the present application.

b) it is not obvious to use the WAN protocol with the fibre optic part of the network because everyone knows that the WAN protocol was designed for wireless, see the WAN standards, and no-one has ever used a WAN protocol in a fibre optic network.

For the above reasoning alone it is believed that claim 14, which defines *inter alia use of a wide area network protocol over a cable network*, is new and inventive.

It is therefore submitted that claim 14 is both novel and inventive over the citation, contrary to the finding of the Examiner.

The remaining claims mentioned in this section of the Office Action are believed to be allowable as being dependent on an allowable main claim. The rejections against the individual dependent claims are thus not dealt with directly.

All of the matters raised by the Examiner have been dealt with and are believed to have been overcome.

It is respectfully submitted that the Examiner has not made a *prima facie* case of lack of novelty or of obviousness against claim 14 in the present rejection.

Claim 16 is newly added to define the interface feature of the hybrid network of claim 14, which is certainly not taught in Reisman.

In view of the foregoing, it is respectfully submitted that all the claims now pending in the application are allowable.

An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

Martin D. Moynihan
Registration No. 40,338

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Enclosures:

- Request for Continued Examination (RCE)